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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,354	11/17/2000	Junan Kao	8322R	6333

27752 7590 12/20/2001

THE PROCTER & GAMBLE COMPANY
PATENT DIVISION
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EXAMINER

CHIN, PETER

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 12/20/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,354

Applicant(s)

KAO ET AL

Examiner

Peter Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-20,24 and 25 are rejected under 35 U.S.C. 102(b/e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Morgan et al (3,994,771), Bredendick et al (5,861,081), Tseng (5,652,035), Atkins (2,130,375), Milliken (2,113,431 or 2,281,945) or Bletzinger et al (2,950,223).

Morgan discloses a tissue paper having "volcano cone structures" which have openings of low or no fiber content. Bredendick et al discloses paper towel which has been embossed and slit or perforated to increase bulk. Tseng and Atkins show tissue or paper towel having multiple slits. Milliken and Bletzinger et al show perforated tissue. The references are silent as to the property of being expandable in the Z-direction or thickness upon application of plastic extension of the sheet. However in as much as the tissue paper has the slit or perforations as disclosed in the instant specification, it is inherent that the aforementioned prior art have the claimed expandable thickness. Thus the prior art anticipates or at the least obviously show the claimed in invention.

2. Claims 1-25 are rejected under 35 U.S.C. 102(b/e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kamps et al (6,203,663), Ayers (5,628,876) Van Phan (5,277,761) or Trokhan et al (5,503,715),

Kamps et al, Ayers, Van Phan and Trokhan employ a patterned forming fabric to impart a pattern of low and higher basis weight regions on the tissue paper product formed on the fabric. The raised pattern elements or protuberances on the forming

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fabric have the claimed aspect ration. The prior art inherently have the claimed Z-direction or thickness expansion property as claimed since the paper is formed in the same manner as disclosed and claimed. Thus, the prior art anticipates, or at the least, obviously show the claimed invention.

3. Claims 1-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 09/705,616. Although the conflicting claims are not identical, they are not patentably distinct from each other because of obvious difference in scope.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references applicable against the present claims but are, at the moment, deemed cumulative to the above applied prior art.

Taylor (British 423,828) shows absorbent paper, which has only surface perforations to improve absorbency.

Conradson et al (1,384,515) shows paper towel having slits.

Griswold (3,081,514) shows a web which can be a wet laid web having a pattern of low basis weight and higher basis weight area, which when mechanically worked increases loft, i.e., increased bulk or thickness of the web.

Grenier et al (3,304,180) forming a wet laid web having perforations using a forming wire having protruding elements.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (703) 308-2046. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (703) 308-3837. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

A handwritten signature in black ink, appearing to read 'Peter Chin', with a long horizontal line extending to the right.

Peter Chin
Primary Examiner
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